

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 19.1
(ID # 7461)

MEETING DATE:
Tuesday, March 30, 2021

FROM: TREASURER-TAX COLLECTOR:

SUBJECT: TREASURER-TAX COLLECTOR: Public Hearing on the Recommendation for Distribution of Excess Proceeds for Tax Sale No. 207, Item 815. Last assessed to: The Estate of Anthony Francis Noriega, District 4. [\$11,242 - 100% Fund 65595 Excess Proceeds from Tax Sale]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the claim from the California Department of Health Care Services for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 639231008-0;
2. Deny the claim from California Receivership Group, PBC for payment of excess proceeds resulting from the Tax Collector's public auction sale associated with parcel 639231008-0;
3. Authorize and direct the Auditor-Controller to issue a warrant to the California Department of Health Care Services in the amount of \$11,242.45, no sooner than ninety days from the date of this order, unless an appeal has been filed in Superior Court, pursuant to the California Revenue and Taxation Code Section 4675.

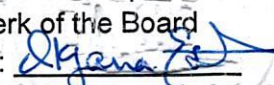
ACTION: Policy


Matthew Jennings, Treasurer-Tax Collector 3/16/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: March 30, 2021
xc: Treasurer, Auditor

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 11,242	\$ 0	\$ 11,242	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: 100% Fund 65595 Excess Proceeds from Tax Sale.			Budget Adjustment:	N/A
			For Fiscal Year:	20/21

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

In accordance with Section 3691 et seq. of the California Revenue and Taxation Code, and with prior approval of the Board of Supervisors, the Tax Collector conducted the May 24, 2016 public auction sale. The deed conveying title to the purchasers at the auction was recorded July 14, 2016. Further, as required by Section 4676 of the California Revenue and Taxation Code, notice of the right to claim excess proceeds was given on August 10, 2016, to parties of interest as defined in Section 4675 of said code. Parties of interest have been determined by an examination of Parties of Interest Reports, Assessor's and Recorder's records, as well as other, various research methods used to obtain current mailing addresses for these parties of interest.

The Treasurer-Tax Collector has received two claims for excess proceeds:

1. Claim from the California Department of Health Care Services based on Notice of Lien in Favor of California Department of Health Care Services recorded August 02, 2012 as Instrument No. 2012-0364353 and an Abstract of Judgement in Favor of California Department of Health Care Services recorded August 05, 2011 as Instrument No. 2011-0345207.
2. Claim from California Receivership Group, PBC based on Stipulation and Order Appointing Receiver Pursuant to Health and Safety Code to Abate Substandard Building recorded March 29, 2016 as Instrument No. 2016-0121637, a Notice of Pendency of Action (Lis Pendens) recorded February 29, 2016 as Instrument No. 2016-0079448, and an Order (1) Discharging Mark S. Adams and California Receivership Group, (2) For Exoneration of Surety, (3) Settling Outstanding Fees and Costs, and (4) Closing Case Pursuant to Health and Safety Code Section 17985 (b) Upon Recordation of this Order with the Office of the County Recorder filed on September 11, 2018 in Case No. PSC 1600858.

Pursuant to Section 4675 of the California Revenue and Taxation Code, it is the recommendation of this office that the California Department of Health Care Services be awarded excess proceeds in the amount of \$11,242.45. Since the amount claimed by the California Department of Health Care Services exceeds the amount of excess proceeds available there are no funds available for consideration for the claim from California

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Receivership Group, PBC. Supporting documentation has been provided. The Tax Collector requests approval of the above recommended motion. Notice of this recommendation was sent to the claimants by certified mail.

Impact on Residents and Businesses

Excess proceeds will be released to a lienholder of the property.

ATTACHMENTS (if any, in this order):

ATTACHMENT A. Claim CAHealth

ATTACHMENT B. Claim CARG


Stephanie P., Principal Management Analyst 3/23/2021

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX-DEFAULTED PROPERTY

RECEIVED
2017 JAN 24 PM 2:00
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

To: Don Kent, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC 207 Item 815 Assessment Number: 639231008-0

Assessee: NORIEGA ANTHONY F ESTATE OF

Situs: 66125 2ND ST DESERT HOT SPRINGS 92240

Date Sold: May 24, 2016

Date Deed to Purchaser Recorded: July 14, 2016

Final Date to Submit Claim: July 14, 2017

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 10,623.15 from the sale of the above mentioned real property. I/We were the lienholder(s), property owner(s) [check in one box] at the time of the sale of the property as is evidenced by Riverside County Recorder's Document No. 2012-0364353 recorded on 06/02/2012. A copy of this document is attached hereto. I/We are the rightful claimants by virtue of the attached assignment of interest. I/We have listed below and attached hereto each item of documentation supporting the claim submitted.

NOTE: YOUR CLAIM WILL NOT BE CONSIDERED UNLESS THE DOCUMENTATION IS ATTACHED.

If the property is held in Joint Tenancy, the taxsale process has severed this Joint Tenancy, and all Joint Tenants will have to sign the claim unless the claimant submits proof that he or she is entitled to the full amount of the claim, the claimant may only receive his or her respective portion of the claim.

I/We affirm under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of DECEMBER, 2016 at SACRAMENTO CALIFORNIA
County, State

Signature of Claimant

Signature of Claimant

WALTER MENDOZA
Print Name

Print Name

1700 K Street 3rd floor
Street Address

Street Address

SACRAMENTO CA
City, State, Zip

City, State, Zip

916-552-9551
Phone Number

Phone Number

L - 59 140000 -

RECORDING REQUEST BY:

California Department of Health Care Services
Estate Recovery Branch
MS 4720
P.O. Box 997425
Sacramento, CA 95899-7425

WHEN RECORDED MAIL TO:

California Department of Health Care Services
Estate Recover Branch
MS 4720
P.O. Box 997425
Sacramento, CA 95899-7425

Fees waived pursuant to *Govt. Code §27383*

DOC # 2012-0364353

08/02/2012 10:52A Fee:NC

Page 1 of 4

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
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030

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

All that real property located at:

APN 639-231-008

66125 2nd Street, Desert Hot Springs, CA 92240

0



**NOTICE OF LIEN IN FAVOR OF CALIFORNIA
DEPARTMENT OF HEALTH CARE SERVICES**

RECORDING REQUESTED BY:

STATE OF CALIFORNIA
DEPARTMENT OF HEALTH CARE SERVICES
(916) 650-0490

When Recorded Mail to:

STATE OF CALIFORNIA
DEPARTMENT OF HEALTH CARE SERVICES
ESTATE RECOVERY BRANCH
MS 4720
P.O. BOX 997425
SACRAMENTO, CA 95899-7425

State of California for the County of Riverside

NOTICE OF LIEN

DHCS ACCOUNT NUMBER:
MEDI-CAL RECIPIENT: ANTHONY FRANCIS NORIEGA
RECIPIENT DATE OF BIRTH: August 12, 1933
RECIPIENT DATE OF DEATH: January 11, 2008
PROPERTY ADDRESS: 66125 2ND STREET,
DESERT HOT SPRINGS, CA 92240
ASSESSOR'S PARCEL NUMBER: 639-231-008
OWNER(S) OF RECORD: ESTATE OF ANTHONY F. NORIEGA
LIEN AMOUNT: \$10,623.75

1. I, CHUCK BOUGH, on information and belief, state that I am authorized by the State of California, Department of Health Care Services, herein referred to as "DHCS," to act on its behalf in the above-entitled matter.
2. On April 28, 2011, the Riverside County Superior Court entered Judgment against defendant Janet Noriega Schwind, Administrator, in the amount of \$10,623.75. Pursuant to the Judgment, defendant is ordered to pay plaintiff, Toby Douglas, in his capacity as Director of the Department of Health Care Services (DHCS), the sum of \$10,623.75 until the judgment is satisfied in full. The entire balance, including any accrued interest, is due and payable immediately.
3. An abstract of judgment for \$10,623.75 against defendant Janet Noriega Schwind, Administrator, was recorded on August 05, 2011.
4. The authority for this lien is found in Welfare and Institutions Code section 14009.5; California Code of Regulations, title 22, sections 50960-50966; and Code of Civil Procedure sections 695.010 - 695.070.

LEGAL DESCRIPTION OF PROPERTY

The real property situated at 66125 2nd Street, Desert Hot Springs, Riverside County, California, is more particularly described as follows:


LOT 13BLK K MB 019/066 DESERT HOT SPRINGS CABIN SITES

PROPERTY ADDRESS : 66125 2ND STREET,
DESERT HOT SPRINGS, CA 92240

ASSESSOR'S PARCEL NUMBER : 639-231-008

5. Title to the above-described property is currently of record under the name Anthony F. Noriega, deceased.
6. The validity of this judgment lien is not dependent upon possession of the subject property (Civ. Code, § 2913), and DHCS reserves all rights at law and in equity to the subject property as security for the obligation it is owed.
7. In witness whereof, the State of California, DHCS, has duly authorized the undersigned to execute this notice in its name.

Date: JUL 24 2012



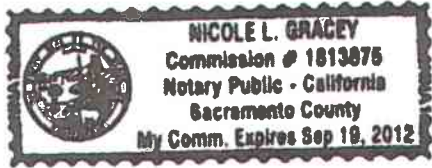
CHUCK BOUGH
Collection Representative
Estate Recovery Branch
Department of Health Care Services
Lien Claimant

ALL-PURPOSE ACKNOWLEDGEMENT

State of California
County of Sacramento

On 7/24/12 before me, Nicole L. Gracey, Notary Public
(Date) (Name and Title of officer)

personally appeared Chuck Bough



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (is) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nicole L. Gracey

Signature of Notary Public

Place notary seal above

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER

- Individual
- Corporate Officer _____
- Partner(s)
- Attorney-In-Fact
- Trustee(s)
- Guardian or Conservator
- Other _____

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Other

SIGNER IS PREPRESENTING

Name of Person(s) or Entity(ies)

RIGHT THUMBPRINT
OF
SIGNER



ANTHONY NORIEGA JJ740006J, 001

(4A)

RECORDING REQUEST BY:

California Department of Health Care Services
Recovery Branch
MS 4720
P.O Box 997425
Sacramento, CA 95899-7425

DOC # 2011-0345207

08/05/2011 02:30P Fee:NC

Page 1 of 3

Recorded in Official Records

County of Riverside

Larry U. Ward

Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:

California Department of Health Care Services
Recovery Branch
MS 4720
P.O. Box 997425
Sacramento, CA 95899-7425

Fees waived pursuant to Govt. Code §27383

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**ABSTRACT OF JUDGMENT
IN FAVOR OF CALIFORNIA
DEPARTMENT OF HEALTH CARE SERVICES**



All that property located at
66125 2ND STREET, DESERT HOT SPRINGS CA 92240
APN: 639-231-008

EJ-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, State Bar number, and telephone number):

(916) 650-6933

Recording requested by and return to:

California State Department of Health Care Services
Estate Recovery Branch - Attn: Chuck Bough
MS 4720
P.O. Box 997425
Sacramento, CA 95899-7425

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

Superior Court of California, County of Riverside

FOR RECORDER'S USE ONLY

STREET ADDRESS: 4050 Main Street
MAILING ADDRESS: P. O. Box 431
CITY AND ZIP CODE: Riverside, CA 92501
BRANCH NAME: Probate Division

DHCS Reference No. P99655063D-001

PLAINTIFF: Estate of Anthony Francis Noriega

CASE NUMBER:

DEFENDANT:

INP021858

ABSTRACT OF JUDGMENT - CIVIL Amended
AND SMALL CLAIMS

FOR COURT USE ONLY

1. The judgment creditor assignee of record applies for an abstract of judgment and represents the following:
a. Judgment debtor's

Name and last known address

Janet Noriega Schwind
1316 Covey Trail,
Prescott, AZ 86305

- b. Driver's license No. [last 4 digits] and state: Unknown
- c. Social security No. [last 4 digits]: Unknown
- d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): Janet Noriega Schwind
1316 Covey Trail,
Prescott, AZ 86305

- 2. Information on additional judgment debtors is shown on page 2.
- 3. Judgment creditor (name and address):
Toby Douglas, Director of DHCS - MS 4720
P.O. Box 997425, Sacramento, CA 95899-7425
Date: June 13, 2011

- 4. Information on additional judgment creditors is shown on page 2.
- 5. Original abstract recorded in this county:
a. Date
b. Instrument No.:

Chuck Bough, Collection Representative
(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT OR ATTORNEY)

- 6. Total amount of judgment as entered or last renewed: \$10,623.75
- 7. All judgment creditors and debtors are listed on this abstract.
- 8. a. Judgment entered on (date): April 28, 2011
b. Renewal entered on (date):
- 9. This judgment is an installment judgment.

- 10. An execution lien attachment lien is endorsed on the judgment as follows:
a. Amount: \$10,623.75
b. In favor of (name and address):
State of California, Department of Health Care Services
P. O. Box 997425 - MS4720, Sacramento CA 95899-7425
- 11. A stay of enforcement has
a. not been ordered by the court.
b. been ordered by the court effective until (date):
- 12. a. I certify that this is a true and correct abstract of the judgment entered in this action.
b. A certified copy of the judgment is attached.



This abstract issued on (date):

JUN 20 2011

Clerk, by Angela Sheh, Deputy

PLAINTIFF: Estate of Anthony Francis Noriega	CASE NUMBER:
DEFENDANT:	INP021858

NAME AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment Creditor (*name and address*):

14. Judgment Creditor (*name and address*):

15. Continue on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16 . Name and last known address

Driver's license No. [last 4 digits] and state: Unknown

Social Security No. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

17 Name and last known address

Driver's license No. [last 4 digits] and state: Unknown

Social Security No. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

18 Name and last known address

Driver's license No. [last 4 digits] and state: Unknown

Social Security No. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

19 Name and last known address

Driver's license No. [last 4 digits] and state: Unknown

Social Security No. [last 4 digits]: Unknown

Summons was personally served at or mailed to (*address*):

20. Continue on attachment 20.

State of California

EDMUND G. BROWN JR., Governor

=====
Department of Health Care Services
Recovery Section, MS 4720
P.O. Box 997425
Sacramento, CA 95899-7425
(916) 552-9551

January 18, 2017

MR. DON KENT
COUNTY OF RIVERSIDE
4080 LEMON STREET PO BOX 12005
4th FLOOR
RIVERSIDE 92502-2205

Dear MR. KENT:

DHCS ACCOUNT NUMBER
ESTATE OF :ANTHONY F NORIEGA
PROBATE NUMBER :INP021858
CLAIM AMOUNT :\$10,623.75
BALANCE DUE :\$14,847.32

Enclosed are documents pertaining to the above-referenced estate. If you have questions, you may contact your collection representative at (916) 552-9551.

Enclosures

Estate Recovery

PB2000,014 (08/16)

State of California

EDMUND G. BROWN JR., Governor

=====
Department of Health Care Services
Recovery Section, MS 4720
P.O. Box 997425
Sacramento, CA 95899-7425
(916) 449-5885

May 03, 2018

MS. JENNIFER ROMERO
RIVERSIDE COUNTY
TAX COLLECTOR
4080 LEMON STREET
RIVERSIDE, CA 92501

DEAR MS. ROMERO:

SUBJECT : PAYMENT DEMAND
DHCS ACCOUNT NUMBER :
ESTATE OF : ANTHONY F NORIEGA
YOUR CLIENT : N/A
ESCROW NUMBER : N/A
CLAIM AMOUNT : \$10,623.75
INTEREST RATE : 7.0000% PER ANNUM
DAILY RATE : \$2.04
COMPUTED TO : May 24, 2016
BALANCE DUE : \$14,395.09

Thank you for your recent request for a payment demand on the above-referenced account. The current balance due, including interest computed through May 24, 2016, is \$14,395.09.

Payments by check should include DHCS account number and be made payable to:

Department of Health Care Services
Recovery Branch - MS 4720
P.O. Box 997421
Sacramento, CA 95899-7421

Estate Recovery

PB2026,010 (04/17)

State of California

GAVIN NEWSOM, Governor

(916) 650-6552

December 15, 2020

MR. DON KENT
COUNTY OF RIVERSIDE
4080 LEMON STREET PO BOX 12005
4th FLOOR
RIVERSIDE 92502-2205

Dear Mr. Kent:

RE: APN: 639231008-0; TC 207 Items 815

DHCS ACCOUNT NUMBER

ESTATE OF	:ANTHONYF NORIEGA
PROBATE NUMBER	:INP021858
CLAIM AMOUNT	:\$10,623.75
INTEREST RATE	:7.0000% PER ANNUM
DAILY RATE	:\$2.04
COMPUTED TO	:May 24, 2016
BALANCE DUE	:\$14,395.09

Thank you for your recent request for a payment demand on the above-referenced account. The balance due, including interest computed through May 24, 2016, is \$14,395.09.

Payments by check should include DHCS account number and be made payable to:

Department of Health Care Services
Recovery Branch - MS 4720
P.O. Box 997421
Sacramento, CA 95899-7421

If you have questions, you may contact your collection representative at (916) 650-6552.

Estate Recovery

PB2026,010 (04/17)

CLAIM FOR EXCESS PROCEEDS FROM THE SALE OF TAX-DEFAULTED PROPERTY

RECEIVED
2016 SEP 13 PM 2:18
RIVERSIDE COUNTY
TREAS-TAX COLLECTOR

To: Don Kent, Treasurer-Tax Collector

Re: Claim for Excess Proceeds

TC 207 Item 815 Assessment Number: 639231008-0

Assessee: NORIEGA ANTHONY F ESTATE OF

Situs: 66125 2ND ST DESERT HOT SPRINGS 92240

Date Sold: May 24, 2016

Date Deed to Purchaser Recorded: July 14, 2016

Final Date to Submit Claim: July 14, 2017

I/We, pursuant to Revenue and Taxation Code Section 4675, hereby claim excess proceeds in the amount of \$ 20,000 from the sale of the above mentioned real property. I/We were the lienholder(s), property owner(s) [check in one box] at the time of the sale of the property as is evidenced by Riverside County Recorder's Document No. 2016-0121637; recorded on 3/29/16. A copy of this document is attached hereto. I/We are the rightful claimants by virtue of the attached assignment of interest. I/We have listed below and attached hereto each item of documentation supporting the claim submitted.

NOTE: YOUR CLAIM WILL NOT BE CONSIDERED UNLESS THE DOCUMENTATION IS ATTACHED.

Notice of Pendency of Action (Lis Pendens); Riverside Co. Recorder's Document No. 2016-0079448; recorded 2/29/16

Stipulation and Order Appointing Receiver; Riverside Co. Recorder's Document No. 2016-0121637; recorded 3/29/16

If the property is held in Joint Tenancy, the taxsale process has severed this Joint Tenancy, and all Joint Tenants will have to sign the claim unless the claimant submits proof that he or she is entitled to the full amount of the claim, the claimant may only receive his or her respective portion of the claim.

I/We affirm under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of August, 2016 at Los Angeles County, California
County, State

Mark Adams
Signature of Claimant

Signature of Claimant

Mark Adams, Court-Appointed Receiver

Print Name

2716 Ocean Park Blvd., Suite 3010 2010

Street Address

Santa Monica, CA 90405

City, State, Zip

310-471-8181

Phone Number

Print Name

Street Address

City, State, Zip

Phone Number

1 MARK S. ADAMS, SBN #68300
California Receivership Group
2 2716 Ocean Park Blvd., Suite 3010
Santa Monica, California 90405
3 Tel. (310) 471-8181
Fax (310) 471-8180
4 madams@calreceivers.com
Court-Appointed Receiver
5

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF RIVERSIDE, PALM SPRINGS COURTHOUSE
8

9 CITY OF DESERT HOT SPRINGS,
10
11 Petitioner,

11 vs.

12 JANET NORIEGA SCHWIND, AS
ADMINISTRATOR OF THE ESTATE OF
13 ANTHONY FRANCIS NORIEGA, and Does 1-
25, inclusive,
14

14 Respondents.
15

Case No. PSC1600858

**DECLARATION OF MARK
ADAMS**

17 I, MARK ADAMS, declare as follows:

18 1. I am an attorney duly licensed to practice in California and am the court-
19 appointed receiver in the above-titled case. The following is true and correct to the best of my
20 knowledge. If called upon to do so, I could and would testify competently thereto in a court of
21 law.

22 2. I was appointed as Receiver for the property at 66125 2nd St, Desert Hot Springs,
23 CA 92240 (APN 639-231-008) ("Property") on February 26, 2016 by the Riverside County
24 Superior Court. The Stipulation and Order Appointing Receiver Pursuant to Health & Safety
25 Code to Abate Substandard Housing, recorded on March 29, 2016 as instrument number 2016-
26 0121637, authorizes me "to fund an initial \$20,000 receivership certificate with super-priority
27 status" to cover the various costs of operating the receivership. A receivership certificate
28 functions as a lien on the Property, from whose value I may finance the work necessary to secure

1 and begin remediation of the Property's code violations. As Receiver, I act in the capacity of the
2 property owner and am, pursuant to the authority granted in the abovementioned Order, an
3 authorized lienholder on the Property. Any excess proceeds from the tax auction of the Property
4 therefore rightfully belong in the receivership account. Upon receipt of the proceeds, I will
5 deposit them in the receivership account and distribute them per Court Order.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Executed this 12th day of September, 2016, in Santa Monica, California.

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Mark Adams, Receiver for 66125 2nd Street

2016-0121637

03/29/2016 04:18 PM

Customer Copy Label

The paper to which this label is affixed has not been compared with the filed/recorded document

Peter Aldana
County Of Riverside
Assessor-County Clerk-Recorder

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

Mark Adams

AND WHEN RECORDED MAIL TO:

2716 Ocean Park Blvd, #3010

Santa Monica, CA 90405

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Page	DA	PCOR	Misc	Long	RFD	1st Pg	Add Pg	Cert	CC	
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Space above this line for recorder's use only

Stip and Order

Title of Document

TRA: _____

DTT: _____

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

1 Steven B. Quintanilla, City Attorney (SBN 161578)
2 Benjamin R. Jones, Deputy City Attorney (SBN 292176)
3 LAW OFFICES OF QUINTANILLA & ASSOCIATES
4 P.O. Box 176
5 Rancho Mirage, CA 92270
6 Tel.: (760) 883-1848
7 BenjaminJ@QALawyers.com

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 26 2016

M. Youngberg

8 Attorneys for Petitioner, CITY OF DESERT HOT SPRINGS

**FILING FEE EXEMPT PURSUANT
TO GOVERNMENT CODE §6103**

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF RIVERSIDE – PALM SPRINGS BRANCH**

11 CITY OF DESERT HOT SPRINGS,

12 Petitioner,

13 vs.

14 JANET NORIEGA SCHWIND, AS
15 ADMINISTRATOR OF THE ESTATE OF
16 ANTHONY FRANCIS NORIEGA, and
17 Does 1-25, inclusive,

18 Respondents.

Case No.: PSC 1600858

**STIPULATION AND ~~PROPOSED~~ ORDER
APPOINTING RECEIVER PURSUANT TO
HEALTH & SAFETY CODE TO ABATE
SUBSTANDARD BUILDING**

19 **STIPULATION FOR ORDER APPOINTING RECEIVER**

20 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN Petitioner CITY
21 OF DESERT HOT SPRINGS, on the one hand, and Respondent JANET NORIEGA SCHWIND,
22 AS ADMINISTRATOR OF THE ESTATE OF ANTHONY F. NORIEGA, on the other, as
23 follows:

24 1. Petitioner City of Desert Hot Springs (the "City") is a municipal corporation
25 located in the County of Riverside, State of California.

26 2. Respondent Janet Noriega Schwind ("Noriega Schwind") is the Administrator and

27 -1-

28 **STIPULATION AND ORDER APPOINTING RECEIVER PURSUANT TO HEALTH & SAFETY CODE**

1 personal representative of the Estate of Anthony Francis Noriega (the "Estate").

2 3. The Estate, by and through Noriega Schwind, is the sole owner of the real
3 property located at 66125 2nd Street, Desert, Hot Springs, California, 92240, further identified as
4 Assessor's Parcel No. 639-231-008 (the "Property").

5 4. The California Department of Health Care Services ("CDHCS") holds a recorded
6 judgment lien on the Property.

7 5. The Property features a residential structure that has not been permanently
8 occupied since the death of Anthony Francis Noriega in 2008.

9 6. The Property, including the residential structure thereon, is currently afflicted by
10 substandard and public nuisance conditions which exist to such an extent as to substantially
11 endanger the health and safety of the public pursuant to Health & Safety Code Section 17980.6.

12 7. The City issued a "Notice of Violation & Order to Abate" to the Property on
13 November 17, 2015 (the "November 17 Notice"), which was served upon Noriega Schwind via
14 certified & first class mail on the same date. The November 17 Notice, which was based upon an
15 inspection conducted by the City's Community Preservation Division on November 5, 2015,
16 cited the Property for numerous public nuisance violations of the Desert Hot Springs Municipal
17 Code and for numerous substandard conditions in violation of the California Health & Safety
18 Code Section 17920.3. The November 17 Notice ordered the Property vacated and commanded
19 Noriega Schwind to correct the substandard and nuisance conditions affecting the residential
20 structure by repair or demolition no later than December 17, 2015.

21 8. The City issued a "Second Notice & Order to Abate" (the "Second Notice") to the
22 Property on December 30, 2015, which was served upon Noriega Schwind via first class mail on
23 the same date. The Second Notice was based upon an inspection conducted by the City's
24 Community Preservation Division on December 18, 2015, which confirmed that the conditions
25 cited in the November 17 Notice persisted in substantially similar form and had not been
26 corrected or abated in any way. The Second Notice cited the Property for the same violations set

1 forth in the November 17 Notice and ordered that the Property be vacated and all violations
2 corrected, either by repair or demolition, by no later than January 14, 2016.

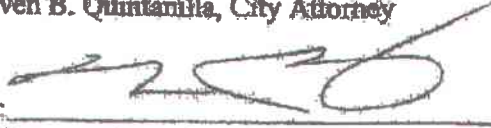
3 9. On or about February 1, 2016, after confirming that the violations on the Property
4 had not been corrected, the City served notice of its "Petition to Appoint Receiver" (the
5 "Petition") regarding the Property to CDHCS and to Noriega Schwind in accordance with Health
6 & Safety Code Section 17980.7(c). The City has received no response from CDHCS.

7 10. After receiving notice of the Petition, Noriega Schwind contacted the City
8 Attorney's Office and represented that the Estate has insufficient funding to correct any of the
9 violations affecting the Property, whether by repair or demolition. Noriega Schwind further
10 represented her desire to cooperate with the City with respect to obtaining a court order
11 appointing a receiver pursuant to the California State Housing Law (Health & Safety Code
12 Section 17910 *et seq.*) to take control of the Property to abate the substandard and nuisance
13 conditions thereon via repair or demolition, as the receiver sees fit.

14 11. In accordance with the foregoing, the City and Noriega Schwind hereby stipulate
15 and agree to the terms of the proposed order attached hereto as Exhibit "A" and incorporated
16 herein by reference, subject to the court's issuance thereof.

17 DATED: February 22, 2016

LAW OFFICES OF QUINTANILLA & ASSOCIATES
Steven B. Quintanilla, City Attorney

19
20 By: 
21 Benjamin R. Jones
22 Deputy City Attorney, City of Desert Hot Springs

23 DATED: February 22, 2016

JANET NORIEGA SCHWIND

24
25 By: 
26 Janet Noriega Schwind
27 Administrator, Estate of Anthony F. Noriega

28 STIPULATION AND ORDER APPOINTING RECEIVER PURSUANT TO HEALTH & SAFETY CODE

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EXHIBIT "A"

STIPULATION AND ORDER APPOINTING RECEIVER PURSUANT TO HEALTH & SAFETY CODE

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~~PROPOSED~~ ORDER

The Court, having considered petitioner City of Desert Hot Springs' ("City") "Petition for Order Appointing Receiver Pursuant to the Health & Safety Code to Abate Substandard Building" ("Petition"), and good cause appearing therefor, makes the following findings:

1. Respondent, Janet Noriega Schwind, as Administrator of the Estate of Anthony Francis Noriega ("Respondent") is the owner of the real property located at 66125 2nd St., Desert Hot Springs, CA 92240, Assessor's Parcel No. 639-231-008 (the "Property"), and is aware of the current condition of the Property. The Court finds, based on the Petition and supporting declarations, that the notices and orders to abate issued by the City comply with California Health and Safety Code §17980.6 and §17980.7.

2. The Property is currently maintained in such a condition as to violate the California Health and Safety Code, Desert Hot Springs Municipal Code and the uniform codes adopted and incorporated therein. The conditions on the Property constitute substandard and public nuisance conditions that exist to such an extent as to substantially endanger the life, limb, property, safety and welfare of the public pursuant to Health and Safety Code sections 17920.3 and 17980.7. As such, the Property, including the residential structure located thereon and the premises on which the same is located, constitutes a substandard building under the California State Housing Law.

3. California Health and Safety Code sections 17920.3, 17980, 17980.6, 17980.7 and 17982 authorize the City to enforce the State Housing Law (Health & Safety Code §§17910-17998.3) and to institute this special proceeding as Petitioner. Health & Safety Code section 17980.7(c) authorizes this Court to appoint a receiver to carry out certain duties pursuant to the State Housing Law.

4. Respondent has been provided with notices to correct and abate the substandard and public nuisance conditions on the Property, has had reasonable opportunity and time to do so, and yet has not done so within a reasonable time.

1 5. Respondent has been afforded its procedural due process rights guaranteed by
2 the California Constitution and the United States Constitution, including, but not limited to,
3 receipt of the notices of violations and orders to abate and an adequate and reasonable period of
4 time to comply therewith by correcting the substandard and nuisance conditions, as well as
5 notice and reasonable opportunity to be heard in connection with the Petition.

6 6. The Court finds that an order appointing a receiver is a necessary measure to
7 facilitate the expeditious abatement of all substandard and public nuisance conditions affecting
8 the Property, including the residential structure thereon and the exterior premises thereof.

9 **IT IS ORDERED AS FOLLOWS:**

10 1. Mark S. Adams of California Receivership Group, PBC is appointed, pursuant to
11 California Health & Safety Code §17980.7(c), to act as the receiver for the Property and is
12 delegated the duty and power to take control of the Property and to supervise and effectuate the
13 correction and abatement of any and all substandard and public nuisance conditions affecting
14 the Property.

15 2. Code of Civil Procedure §568 and Health & Safety Code §17980.7(c)(4)(H)
16 empower the appointed receiver generally to do such acts respecting the Property as this Court
17 may authorize.

18 3. The Court orders that the Property shall remain vacated by all persons other than
19 the receiver, Mark S. Adams, and his agents and designees, during the pendency of the
20 receivership, and that no person may inhabit the Property without express permission from this
21 Court and/or its appointed officer Mark S. Adams.

22 4. The receiver, Mark S. Adams, is hereby ordered to supervise and coordinate the
23 inspection of the Property (if deemed necessary by Mr. Adams) and the securing of the Property
24 so as to prohibit entry onto the Property by unauthorized persons. Receiver Mark S. Adams
25 shall be specifically empowered:

26 a. To take full and complete control of the Property;

1 b. To secure a cost estimate and proposed timeframe from a licensed
2 contractor for correction and abatement of any and all substandard and nuisance conditions on
3 the Property;

4 c. To enter into contracts and employ a licensed contractor as necessary to
5 abate and correct the substandard and public nuisance conditions affecting the Property;

6 d. To borrow funds to pay for correction and abatement of the substandard
7 and nuisance conditions on the Property, and to secure that debt with a super-priority lien on the
8 Property;

9 e. To exercise the powers granted to receivers under Section 568 of the
10 California Code of Civil Procedure;

11 f. To prepare monthly reports to the City that include the nature and amount
12 of any operating expenses or contracts, payments made to facilitate and/or effectuate abatement
13 of nuisance and substandard conditions on the Property, other payments made and expenses
14 incurred, and the progress of the work; and

15 g. To apply to this Court for further or other instructions or orders and for
16 further powers necessary to enable the receiver to perform his duties properly, or to address
17 unforeseen circumstances that may arise with respect to this receivership.

18 5. Respondent is enjoined and prohibited from encumbering or transferring all or
19 any portion of the Property during the receivership period.

20 6. Respondent is enjoined and prohibited from interfering with the activities of the
21 court-appointed receiver in any way, and from collecting rents from the Property, during the
22 receivership period.

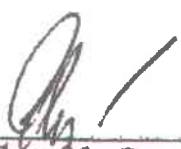
23 7. Respondent is disallowed from claiming or utilizing any tax deduction with
24 respect to state taxes for interest, taxes, expenses, depreciation, or amortization paid or incurred
25 with respect to the Property beginning in 2015 and continuing through such time as all
26 substandard conditions on the Property have been cured.

1 Respondent Estate shall be responsible and is hereby ordered to make certain that the receiver is
2 named as an additional insured on all policies for the period that the receiver shall be in
3 possession of the Property. If the receiver determines in his business judgment that sufficient
4 insurance coverage does not exist, it is hereby ordered that the receiver shall have thirty (30)
5 working days to procure said insurance on the Property, provided he has funds available to do
6 so, and during such period said receiver and the receivership estate shall not be personally or
7 officially responsible for claims arising from the lack of sufficient coverage or for the
8 procurement of insurance.

9 14. Failure to comply with this Order shall be punishable by civil contempt,
10 penalties under Chapter 6 (commencing with Health & Safety Code §17995) of the State
11 Housing Law, and any other penalties and fines as may be available under applicable law.

12
13 IT IS SO ORDERED.

14 Dated: 2-24, 2016



Judge of the Superior Court
David M. Chapman

2016-0079448

02/29/2016 03:41 PM Fee: \$ 0.00

Page 1 of 5

Recorded in Official Records
County of Riverside
Peter Aidana
Assessor-County Clerk-Recorder



PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

City of Desert Hot Springs
65950 Pierson Blvd
Desert Hot Springs, CA
92240

						R	A	Exam: 805		
Page	DA	PCOR	Misc	Long	RFD	1st Pg	Adtl Pg	Cert	CC	
5						1	4			
SIZE	NCOR	SMF	NCHG	T:						

10-50

Notice of Pendency of Action (Lis Pendens)
Title of Document

Space above this line for recorder's use only

TRA: _____

DTT: _____

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)

FILED

Superior Court of California
County of Riverside

3/1/2016

agarcia1

By Fax

1 Steven B. Quintanilla, City Attorney (SBN 161578)
2 Benjamin R. Jones, Deputy City Attorney (SBN 292176)
3 LAW OFFICES OF QUINTANILLA & ASSOCIATES
4 P.O. Box 176
5 Rancho Mirage, CA 92270
6 Tel.: (760) 883-1848
7 BenjaminJ@QALawyers.com

8 Attorneys for Petitioner, CITY OF DESERT HOT SPRINGS

FILING FEE EXEMPT PURSUANT
TO GOVERNMENT CODE §6103

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF RIVERSIDE – PALM SPRINGS BRANCH

11 CITY OF DESERT HOT SPRINGS,

12 Petitioner,

13 vs.

14 JANET NORIEGA SCHWIND, AS
15 ADMINISTRATOR OF THE ESTATE OF
16 ANTHONY FRANCIS NORIEGA, and
17 Does 1-25, inclusive,

18 Respondents.

Case No.: PSC 1600858

NOTICE OF PENDENCY OF ACTION (LIS
PENDENS) PURSUANT TO CODE OF
CIVIL PROCEDURE §405.20

19 TO ALL PERSONS AND PARTIES HAVING OR CLAIMING AN INTEREST IN
20 THE FOLLOWING PROPERTY:

21 Property Address: 66125 2nd Street, Desert Hot Springs, CA 92240

22 Assessor's Parcel No.: 639-231-008

23 Legal Description: LOT 13 BLK K MB 019/066 DESERT HOT SPRINGS
24 CABIN SITES

25 AND TO:

26 Property Owner of Record: Janet Noriega Schwind, Administrator

27 -1-

28 NOTICE OF PENDENCY OF ACTION (LIS PENDENS)

1 Estate of Anthony Francis Noriega

2 1316 Covey Trail

3 Prescott, AZ 86305

4 **PLEASE TAKE NOTICE** that the City of Desert Hot Springs, a municipal corporation,
5 has determined that legal violations and/or public nuisance conditions exist on the real property
6 described above (the "subject property") and has instituted a civil action in Riverside County
7 Superior Court pursuant to the California Health & Safety Code and the Desert Hot Springs
8 Municipal Code to abate and/or enjoin the conditions causing the violations and/or nuisances via
9 a court appointed receivership and to charge the property owner of record for all costs of
10 remedial and/or abatement actions incurred by the City and the court-appointed receiver,
11 including but not limited to administrative costs and attorneys' fees. Should the property owner
12 of record fail to pay the remedial and/or abatement costs, said costs may become a special
13 assessment and/or lien against the subject property.

14 **PLEASE TAKE FURTHER NOTICE** that all parties who may hereafter have or claim
15 and interest in the subject property are hereby placed on notice of the action set forth herein upon
16 recordation of this notice in the office of the recorder of the County of Riverside pursuant to
17 California Code of Civil Procedure §405.20. This notice of pendency of action shall be
18 withdrawn by the City of Desert Hot Springs upon abatement of all known substandard and
19 public nuisance conditions and remediation of all violations identified to exist on the subject
20 property and the payment of all remediation and abatement costs incurred by the City and the
21 court-appointed receiver to abate and/or enjoin said conditions and violations.

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28 **NOTICE OF PENDENCY OF ACTION (LIS PENDENS)**

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Information regarding this notice may be obtained from the Desert Hot Springs City
Attorney's Office at (760) 883-1848.

DATED: February 26 2016

LAW OFFICES OF QUINTANILLA & ASSOCIATES
Steven B. Quintanilla, City Attorney

By: 
Benjamin R. Jones
Deputy City Attorney, City of Desert Hot Springs

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am over the age of 18, employed in the County of Riverside and not a party to the within action. My business address is P. O. Box 176, Rancho Mirage, California 92270.

On February 23, 2016, I served the foregoing document described as NOTICE OF PENDENCY OF ACTION (LIS PENDENS) on the parties in this action, by placing a true and correct copy thereof, enclosed in a sealed envelope addressed as follows:

Janet Noriega Schwind, Administrator
Estate of Anthony F. Noriega
1316 Covey Trail
Prescott, AZ 66305

California Department of Health Care Services
1501 Capitol Avenue
Sacramento, CA 95899

Mark S. Adams
California Receivership Group, PBC
2716 Ocean Park Blvd., Ste. 3010
Santa Monica, CA 90405

BY CERTIFIED MAIL AND RETURN RECEIPT REQUESTED

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Rancho Mirage, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(State) I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on February 23, 2016 at Rancho Mirage, California.



Michael Cook
MICHAEL COOK

NOTICE OF PENDENCY OF ACTION (LIS PENDENS)

This must be in red to be a
"CERTIFIED COPY"

I hereby certify the foregoing instrument to
which this stamp has been affixed consisting
of 5 pages to be a full, true and
correct copy of the original on file and
of record in my office.

Peter Adams

Assessor - County Clerk - Recorder

County of Riverside, State of California

FEB 29 2016

Dated:



Certification must be in red to be a
"CERTIFIED COPY"



800.334.5000
ONTRAC.COM



D10011006556841

Date Printed 9/12/2016

Tracking#D10011006556841

Shipped From:

CALIFORNIA RECEIVERSHIP GROUP
2716 OCEAN PARK BLVD. 3010
SANTA MONICA, CA 90405

Sent By: EDDIE GAO

Phone#: (310)471-8181

wgt(lbs): 0

Reference: 66125 2ND ST, DHS

Reference 2: EXCESS PROCEEDS CLAIM

Ship To Company:

**RIVERSIDE COUNTY TAX COLLECTOR
4080 LEMON STREET
RIVERSIDE, CA 92501
ATTN: 4TH FLOOR (951)955-3900**

Service: **SUNRISE**

Sort Code: **ONT**

Special Services:

TREASURER-TAX COLLECTOR
DATA / MAILROOM
SEP 13 2016
RECEIVED

TC 207#815

Marquez, Miriam C.

From: Christina Britz <cjbritz@calreceivers.com>
Sent: Wednesday, September 19, 2018 2:46 PM
To: Marquez, Miriam C.
Subject: 2nd St.: DHS Excess Proceeds Claim
Attachments: 2018.09.11 2nd Street - Order for Discharge.pdf

Mariam,

Re:Assessment Number: 639231008-0

I spoke with Jennifer Romero regarding a claim to excess proceeds from a tax sale. I told her that my firm recently acquired a discharge order that has bearing on our claim. I have attached the discharge order signed by a Superior Court judge that includes a recommendation that my company, California Receivership Group, be entitled to claim any excess proceeds from the sale of 66125 2nd St., DHS.

Is it possible for you to get this order to County Counsel before their recommendation is made?

Thanks,

--

Christina Britz
Partnership Coordinator
California Receivership Group
Email: Cjbritz@calreceivers.com
Tel: (916) 445-1111
Fax: (916) 445-1111

1 Steven B. Quintanilla (SBN 161578)
2 Jennifer A. Mizrahi, City Attorney (SBN 224043)
3 Tuan-Anh D. Vu, Deputy City Attorney (SBN 285801)
4 Gustavo Lamanna, Of Counsel (SBN 231373)
5 LAW OFFICES OF QUINTANILLA & ASSOCIATES
6 P.O. Box 176
7 Rancho Mirage, CA 92270
8 Tel.: (760) 285-3030

9 Attorneys for Petitioner, CITY OF DESERT HOT SPRINGS

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 11 2018

I. RODRIGUEZ

RAJ

SEP 13 2018

FILING FEE EXEMPT PURSUANT
TO GOVERNMENT CODE §6103

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF RIVERSIDE, PALM SPRINGS COURTHOUSE

12 CITY OF DESERT HOT SPRINGS,

13 Petitioner,

14 vs.

15 JANET NORIEGA SCHWIND, AS
16 ADMINISTRATOR OF THE ESTATE OF
17 ANTHONY FRANCIS NORIEGA, and Does
18 1-25, inclusive,

19 Respondents.

CASE NO.: PSC 1600858

~~PROPOSED~~

ORDER (1) DISCHARGING MARK S. ADAMS
AND CALIFORNIA RECEIVERSHIP GROUP,
(2) FOR EXONERATION OF SURETY,
(3) SETTLING OUTSTANDING FEES AND
COSTS, AND (4) CLOSING CASE PURSUANT
TO HEALTH & SAFETY CODE SECTION
17985(b) UPON RECORDATION OF THIS
ORDER WITH THE OFFICE OF THE
RIVERSIDE COUNTY RECORDER

Date: August 23, 2018
Time: 8:30 a.m.
Dept.: PS-2

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23 The motion of the Court's appointed receiver Mark S. Adams and California Receivership
24 Group ("Receiver" or "Adams") for an order (1) discharging Receiver, (2) for exoneration of surety,
25 and (3) settling outstanding fees and costs came on for hearing in Department PS-2 of this Court on
26 August 23, 2018. Counsel Mark Adams appeared by telephone on behalf of the movant Receiver.
27 Counsel Ulrich Roy McNulty appeared in Court on behalf of respondent Janet Noriega Schwind, as
28

1 Administrator of the Estate of Anthony Francis Noriega ("Estate"). Counsel Gustavo Lamanna
2 appeared in Court on behalf of petitioner City of Desert Hot Springs ("City"). There were no
3 appearances by respondents Farnaz Sonboli or Jennifer Kent, Director of the Department of Health
4 Care Services.

5 Having read the motion, the points and authorities and the declarations filed by the Receiver,
6 opposition papers filed by the Estate, posted a tentative ruling on said motion, and having heard the
7 argument of counsel in Court at the noticed hearing on said motion, the Court, finds and orders as
8 follows:

9 This matter concerns the appointment of a Health and Safety Code receiver to abate
10 substandard conditions on single-family residential property located at 66125 Second Street, Desert
11 Hot Springs, California 92240 bearing Riverside County Assessor's Parcel Number 639-231-008
12 (the "Property"). Receiver, Mark Adams now seeks an order for discharge and a personal order
13 against the two previous owners of the Property in the amount \$46,545.82, the outstanding balance
14 owed of the more than \$60,000 in costs and fees claimed by the Adams and the City. These amounts
15 do not include the unspecified fees Adams will claim for this motion and appearance.

16 On 02/26/2016, Mark Adams was appointed as receiver. The first and fundamental item in
17 the order of appointment is as follows: "Mark S. Adams of California Receivership Group, PBC is
18 appointed pursuant to California Health & Safety Code §17980.7(c), to act as the receiver for the
19 Property and is delegated the duty and power to take control of the Property and to supervise and
20 *effectuate the correction and abatement of any and all substandard and public nuisance*
21 *conditions* affecting the Property." (Emphasis added.) 02/26/2016 Stipulation and Order Appointing
22 Receiver, 6:1-14. The order of appointment included a \$20,000 receiver's certificate. The following
23 factual summary is taken from the receiver's motion:

24 At the time of Appointment, the Property was a vacant single-family residence with
25 significant fire damage leaving it structurally unsound, without running water or
26 working utilities.

27 After inspecting the Property, it became clear that due to the low property value and
28 the depressed real estate market in the area, the Receiver would be unable to find a

1 lender to finance the \$20,000 Receiver's Certificate that this Court authorized in the
2 Appointment Order. Without funding the Receiver could not commence any work
3 onsite. The Receiver planned to suggest a sale of the Property to a responsible buyer
4 to complete the work and took steps to arrange such a sale, however it was difficult to
5 do this due to the \$12,000 tax default. Three months later, after the City had recorded
6 a *lis pendens* referencing this matter, and the Appointment Order had been recorded,
7 on May 19, 2016 the Property was sold at a tax auction to Farnaz Sonboli, whose tax
8 deed was recorded on July 14, 2016.

9 Sonboli was not to blame for the conditions on-site at her purchase, and by all
10 accounts she was unrelated to all parties at the time she purchased. At first, Sonboli
11 appeared to be taking positive steps towards securing and remediating the Property,
12 and she relayed that she was in the process of hiring a contractor to either fix or demo
13 the Property. However, by June 2017, after numerous attempts by the Receiver to
14 encourage further action, it was clear that Sonboli was either unable or unwilling to
15 continue bringing the Property into compliance, be it through rehabilitation or sale.
16 Further details of this period are in the previously-filed Second Report of Receiver
17 and are incorporated herein by reference. One year after Sonboli had purchased the
18 Property, nothing had been done to even secure it.

19 By August 2017, Sonboli had evidently found a buyer, and appeared to be attempting
20 to push the sale through escrow without the Receiver's knowledge or approval. At the
21 August 17, 2017 Status Conference it was agreed that Sonboli would be required to
22 close her sale by August 31, 2017. If that deadline lapsed, the Receiver would step in
23 and list the Property for sale. Sonboli failed to meet this deadline, and so the Receiver
24 listed the Property with HomeSmart Professionals on October 13, 2017. Shortly
25 thereafter, on October 20, 2017, Sonboli yet again attempted to push her sale through
26 escrow without the Receiver's prior knowledge or approval—this, nearly two months
27 after the August 31, 2017 deadline. The Receiver supported both of Sonboli's sales,
28 and tried to work with those buyers to close because of the dilapidated nature of the

1 Property and the danger presented by the Property sitting vacant and abandoned any
2 longer than was necessary.

3 On November 1, 2017, per the instructions given at the October 31, 2017 Status
4 Conference, the Receiver's staff emailed City and Ms. Sonboli to inquire if they
5 would be willing to sign a stipulation to confirm the sale of the Property already
6 arranged by Ms. Sonboli. They were given a deadline of November 3, 2017, to
7 respond in the affirmative; if no agreement was reached by then, the Receiver would
8 re-list the Property. Sonboli refused to stipulate to confirm her own sale. As such, the
9 Receiver instructed his realtor to reopen the property's listing. This was 16 months
10 after Sonboli purchased the Property, and three months after the Court had given her
11 a short extension of time to try and find her buyer.

12 On December 8, 2017, the Receiver received a cash offer for \$22,000 from an
13 individual named Dora Jones. The Receiver vetted the buyer, found no disqualifying
14 information or problems, and believes that this sale is the only feasible means of
15 bringing this dangerous Property back into proper use. On January 30, 2018, the
16 Court signed an Order confirming the sale of the Property to Dora Jones and stripping
17 the liens from the property so that the Receivership could close the sale. As reported
18 in the Fifth Report of Receiver, incorporated herein by reference, Jones proved to be
19 an unresponsive and flighty buyer who ultimately cancelled her offer on
20 May 11, 2018. On May 22, 2018, the Receiver finally secured an offer from B & A
21 Construction and Renovations, LLC, at the list price of \$25,000. This Court
22 confirmed that sale on June 6, 2018, and the sale closed on June 27, 2018, at long last
23 bringing an end to this matter. Now that the Property is in the hands of a more
24 responsible party, the Receiver's discharge is appropriate.

25 As explained below, these facts establish, Adams was unable to accomplish the main task for which
26 he was appointed, that is abate the nuisance. Adams has presented no evidence that the nuisance has
27 been abated. The motion is based upon the statement immediately above that "[n]ow that the
28 Property is in the hands of a more responsible party, the Receiver's discharge is appropriate."

1 However, the purpose of Adams' appointment was not necessarily to sell the property. It was to
2 abate the nuisance.

3 Adams confirms that he did not inspect the Property until after the order of appointment and
4 that "[a]fter inspecting the Property, it became clear that due to the low property value and the
5 depressed real estate market in the area, the Receiver would be unable to find a lender to finance the
6 \$20,000 Receiver's Certificate that this Court authorized in the Appointment Order." In other words,
7 from the outset Adams knew that there was no source of money to do anything. "Without funding
8 the Receiver could not commence any work onsite. The Receiver planned to suggest a sale of the
9 Property to a responsible buyer to complete the work and took steps to arrange such a sale, however
10 it was difficult to do this due to the \$12,000 tax default." So the Receiver's real plan was not to abate
11 the nuisance directly, but to sell the Property to someone who would. In some cases, the sale of
12 property that can be rehabilitated and the nuisance thereby abated is clearly appropriate. But, by the
13 Receiver's own admission that upon inspection he realized that could not find a lender to finance the
14 \$20,000 Receiver's Certificate, this was obviously not such a property. (See Schwind Decl., Exh. D.)
15 In fact, the then owner of the Property, Respondent Janet Noriega Schwind as Administrator of the
16 Estate of Anthony Francis Noriega had, as long ago as 2013, attempted to demolish the Property but
17 was unable to find a contractor to do so because payment for the demolition would have to come
18 from a subsequent sale of the Property. (Schwind Decl., ¶ 16, Exh. F.) It should be noted that there
19 is no dispute that the condition of the Property was well known to the City for years prior to the
20 filing of this petition.

21 Given "the dilapidated nature of the Property and the danger presented by the Property sitting
22 vacant and abandoned any longer than was necessary," the question has to be asked why neither
23 Adams nor the City demolished the Property, but instead allowed the nuisance to continue unabated
24 for years and incur claimed fees and costs of more than \$60,000?

25 In his reply Adams states:

26 This Court is well aware that in taking on low-value appointments, there is always a
27 risk of a receivership ending without anyone available to pay the tab. This Court even
28 made that clear at the May 18, 2018 hearing—that there was of course a risk that the

1 fees would not be paid. And even now, it would not be unexpected for the Court to
2 decline to award all of the incurred fees and costs, or to award it against a judgment-
3 proof Estate. The Receiver knew this was risky at appointment, and knew that it was
4 risky to stick with it through the tax sale, Sonboli's ownership, and then the 2018 sale.
5 But he did so with the full knowledge that the work may not ever be fully paid, and
6 out of a sense of duty to this Court.

7 Adam's responsibility was to act according to the order of appointment.

8 "The amount of fees awarded to a receiver is in the sound discretion of the trial court and in
9 the absence of a clear showing of an abuse of discretion, a reviewing court is not justified in setting
10 aside an order fixing fees. A receiver, as any fiduciary, may be surcharged and his or her surety held
11 liable for a failure to properly carry out the duties imposed by the order of appointment." (Internal
12 citation and punctuation omitted.) (Southern Calif. Sunbelt Developers, Inc. v. Banyan Ltd.
13 Partnership (2017) 8 Cal.App.5th 910, 922; see also Shannon v. Superior Court (1990) 217
14 Cal.App.3d 986, 992.)

15 As noted above, Adams is seeking discharge without presenting any evidence that he has
16 accomplished the purpose of his appointment. In effect Adams has abandoned the receivership.

17 THEREFORE, IT IS ORDERED the Receiver discharged and the bond exonerated.

18 IT IS FURTHER ORDERED that fees only in the amount of Fifteen Thousand Five Hundred
19 Ninety One Dollars (\$15,591.00) be recovered by the Receiver as follows:


20 (a) Ten Thousand Dollars (\$10,000) against Sonboli alone; and

21 (b) Five Thousand Five Hundred Ninety One Dollars (\$5,591) against the Estate,
22 without any personal liability to the administrator Janet Noriega Schwind; as the Estate reports it
23 only has One Hundred Eighty Five Dollars (\$185) and liabilities in excess thereof, the recovery
24 herein awarded to the Receiver against the Estate may, if available, be from any excess, overage, or
25 refund proceeds that may be issued by the County of Riverside Auditor-Controller payable to the
26 Estate, as a former fee owner of the Property; in other words, Receiver may recover only from funds
27 due from the County of Riverside Auditor-Controller to the Estate as former fee owner of the
28 Property to the extent there are excess, overage, or refund proceeds payable to the Estate as former

1 fee owner of the Property from the May 16, 2016 tax sale of the Property; said portion of the
2 recovery shall be against the Estate only because it was Estate that was responsible for the conditions
3 that resulted in the appointment.

4 IT IS FURTHER ORDERED that pursuant to Health & Safety Code section 17983, upon the
5 City's receipt of this order signed by the Court, this proceeding is closed and the City is shall record
6 a certified copy of this order with the Office of the Recorder for the County of Riverside and
7 recordation thereof shall constitute the notice of final disposition pursuant to Health & Safety Code
8 section 17985(b).

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10 Dated: 9-11-18

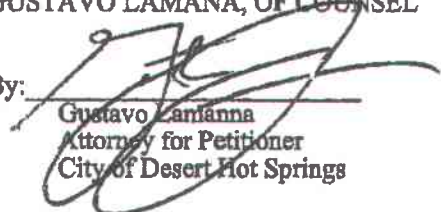
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12 _____
13 David M. Chapman
14 Judge of the Superior Court

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Approved as to form:

LAW OFFICES OF QUINTANILLA & ASSOCIATES
GUSTAVO LAMANA, OF COUNSEL

By: 
Gustavo Lamana
Attorney for Petitioner
City of Desert Hot Springs